REMARKS

Claims 22-73 are pending in the Application and all have been rejected in the Office action mailed October 14, 2008. No claims are amended by this response. Claims 22, 28, 29, 36, 43, 47, 51 and 60 are independent claims. Claims 23-27, 30-35, 37-42, 44-46, 48-50, 52-59 and 61-73 depend, respectively, from independent claims 22, 29, 36, 43, 47, 51 and 60.

Applicants respectfully point out that the rejection of claims 22, 28, 29, 36, and 47 under 35 U.S.C. §103(a) over Berken and Shachar that appears in the instant Office action beginning on page 55 is a duplicate copy of the rejection that appears on pages 39-41.

The Applicants respectfully request reconsideration of pending claims 22-73, in light of the following remarks.

Rejections of Claims

Claims 22, 25, 26, 28, 29, 32-34, 36, 39, 40, 41, 47, 50, and 57-59 were rejected under 35 U.S.C. §103(a) as being unpatentable over Berken (WO 91/08629) in view of Richter, et al. (US 6,104,706, hereinafter "Richter"). Claims 43 and 46 were rejected under 35 U.S.C. §103(a) as being unpatentable over Berken in view of Harrison et al. (US 5,796,727, hereinafter "Harrison"). Claims 27, 35, 42, 51, and 54 were rejected under 35 U.S.C. §103(a) as being unpatentable over Berken in view of Richter and Weaver et al. (US 5,956,673, hereinafter "Weaver"). Claims 23, 24, 30, 31, 37, 38, 48, and 49 were rejected under 35 U.S.C. §103(a) as being unpatentable over Berken in view of Richter and Perkins (US 5,159,592). Claims 44 and 45 were rejected under 35 U.S.C. §103(a) as being unpatentable over Berken in view of Harrison and Perkins. Claims 52 and 53 were rejected under 35 U.S.C. §103(a) as being unpatentable over Berken in view of Richter, Weaver, and Perkins. Claims 55 and 56 were rejected under 35 U.S.C. §103(a) as being unpatentable over Berken in view of Richter and Cripps (US 5,838,730). Claims 60, 61, 62, and 68-73 were rejected under 35 U.S.C. §103(a) as

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being unpatentable over Berken in view of Hutton et al. (US 6,108,704, hereinafter "Hutton") and Reimer et al. (US 4,704,696, hereinafter "Reimer"). Claims 63-65 were rejected under 35 U.S.C. §103(a) as being unpatentable over Berken in view of Hutton and Lewen et al. (US 5,341,374, hereinafter "Lewen"). Claim 66 was rejected under 35 U.S.C. §103(a) as being unpatentable over Berken in view of Hutton, Lewen, and McKee et al. (US 5,477,531, hereinafter "McKee"). Claim 67 was rejected under 35 U.S.C. §103(a) as being unpatentable over Berken in view of Hutton and Cripps.

In addition, the Office rejected claims 22, 27-29, 32, 35, 36, 39, 42, 47, 50, 51, and 54 were rejected under 35 U.S.C. §103(a) as being unpatentable over Weaver in view of Richter. Claims 23, 24, 30, 31, 37, 38, 48, 49, 52, and 53 were rejected under 35 U.S.C. §103(a) as being unpatentable over Weaver in view of Richter and Perkins. Claims 23, 24, 30, 31, 37, 38, 48, 49, 52, and 53 were rejected under 35 U.S.C. §103(a) as being unpatentable over Weaver in view of Richter and Perkins. Claims 43 and 46 were rejected under 35 U.S.C. §103(a) as being unpatentable over Weaver in view of Harrison. Claims 44 and 45 were rejected under 35 U.S.C. §103(a) as being unpatentable over Weaver in view of Harrison and Perkins. Claims 25, 33, 40, and 55-59 were rejected under 35 U.S.C. §103(a) as being unpatentable over Weaver in view of Richter and Cripps. Claims 26, 34, and 41 were rejected under 35 U.S.C. §103(a) as being unpatentable over Weaver in view of Richter and Honig et al. (US 5,481,533, hereinafter "Honig").

The Office also rejected claims 22, 28, 29, 36, and 47 under 35 U.S.C. §103(a) as being unpatentable over Berken in view of Shachar et al. (US 5,764,736, hereinafter "Shachar").

The Office also rejected claims 22, 25, 26, 28, 29, 32-34, 36, 39, 40, 41, 47, 50, and 57-59 as being unpatentable over Berken in view of Richter, et al. (WO 94/299979, hereinafter "Richter '979"). Claims 27, 35, 42, 51 and 54 were rejected as being unpatentable under 35 U.S.C. §103(a) over Berken, Richter '979, and Weaver. Claims 23, 24, 30, 31, 37, 38, 48, and 49 were rejected as being unpatentable under 35 U.S.C. §103(a) over Berken, Richter '979, and Perkins. Claims 52 and 53 were rejected as

being unpatentable under 35 U.S.C. §103(a) over Berken, Richter '979, Weaver and Perkins. Claims 55 and 56 were rejected as being unpatentable under 35 U.S.C. §103(a) over Berken, Richter '979, and Cripps.

The Office also rejections claims 22, 27-29, 32, 35, 36, 39, 42, 47, 50, 51, and 54 were rejected as being unpatentable under 35 U.S.C. §103(a) over Weaver and Richter '979. Claims 23, 24, 30, 31, 37, 38, 48, 49, 52, and 53 were rejected as being unpatentable under 35 U.S.C. §103(a) over Weaver, Richter '979, and Perkins. Claims 25, 33, 40, and 55-59 were rejected as being unpatentable under 35 U.S.C. §103(a) over Weaver, Richter '979, and Cripps. Claims 26, 34, and 41 were rejected as being unpatentable under 35 U.S.C. §103(a) over Weaver, Richter '979, and Honig.

Applicants again respectfully point out that the rejection of claims 22, 28, 29, 36, and 47 under 35 U.S.C. §103(a) over Berken and Shachar that begins on page 55 of the instant Office action is merely a copy of the rejection that appears on pages 39-41.

Applicants respectfully traverse the rejections for the reasons set forth during prosecution, and those that follow.

I. The Proposed Combination Of Berken And Richter Does Not Render Claims 22, 25, 26, 28, 29, 32-34, 36, 39, 40, 41, 47, 50, and 57-59 Unpatentable

Claims 22, 25, 26, 28, 29, 32-34, 36, 39, 40, 41, 47, 50, and 57-59 were rejected under 35 U.S.C. §103(a) as being unpatentable over Berken in view of Richter. Applicants respectfully traverse the rejection.

With regard to the rejection of claims 22, 28, 29, 36, and 47 over Berken and Richter, Applicants respectfully submit that the rejections appear to be the same rejections set forth in the Office action of February 6, 2008. Applicants have previously addressed these rejections in the submission filed August 5, 2008, which responded to the Office action of February 6, 2008, and also in the submission filed January 9, 2008, which responded to the Office action of July 9, 2007. Applicants hereby incorporate those responses herein.

Applicants continue to maintain that the Office has failed to show where the proposed combination of Berken and Richter teaches or suggests, at least, Applicants' claimed feature "...wherein the digital voice data packets comprise destination information used for routing the digital voice data packets...", as recited by Applicants' claims 22, 28, and 29, "...wherein the digital voice data is packetized according to a packet protocol comprising destination information used for routing the digital voice data packetized according to the packet protocol through the communication network;...", as recited by Applicants' claim 36, "...wherein the digital voice packets comprise destination information used for routing the digital voice packets...", as recited by Applicant' claim 47, and "...wherein the digital voice packets comprise destination information used for routing the digital voice packets through the network, the processing circuit packetizing the digital voice data according to a packet protocol...:, as recited by Applicants' claim 51.

Applicants respectfully maintain that Berken clearly teaches that <u>time</u> on the shared RF communications path <u>is divided into</u> **<u>frames comprising a number of time slots</u>** <u>in a group for node transmit and a group used for node receive</u>. Berken further teaches that each group is divided into three subgroups of <u>control time slots</u>, <u>voice time slots</u> and <u>data time slots</u>. See Berken Figs. 2 and 3; at page 8, line 30 to page 9, line 9; at page 10, line 16 to page 11, line 6. In other words, the **frame** of Berken <u>is simply a period of time</u> on the shared RF communication path.

In the Office action of February 6, 2008, the Office stated, at page 36:

> **In response to argument**, on control time slot of Berken,
>
> 1) examiner is not equating control packet to voice packet as argued by the application. Examiner is equating <u>a frame</u> that contains a control time slot and voice packet time slot (see Berken FIG. 2-3) to applicant's [sic] voice packet that comprises control information for routing. Berken FIG. 2 clearly shows that multiple time slots 1-M within a frame, which also confirms examiner'[s] assertion stated above. Thus, applicant argument of "the voice time slot is not within a control time slot is irrelevant and simply an error.
>
> (emphasis in original)

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Therefore, by the above statement, Applicants understand the Office action of February 6, 2008 to be identifying the <u>frame</u> of Berken as teaching Applicants' "digital voice packets/digital voice data packets" recited by Applicants' claims 22, 28, 29, 36, 47, and 51. Applicants respectfully pointed out that Applicants' claims 22, 28, 29, 36, 47, and 51 do not recite "...voice packet that comprises <u>control</u> information for routing...", as stated by the Office. Applicants' claims recite "**destination** information".

In addition, the Office action of February 6, 2008 stated, at page 39:

> **In response to argument** on "packet" and "frame" terms, both "packet" and "frame" has [sic] identical functionality of packaging or framing digitized voice data into the form (i.e. packet or frame) for transmission. Since they both have identical functionalities, they both are the same. Moreover, the combined system of Berken and Richter still discloses the "digitized voice data packet" as set forth above.
>
> (emphasis in original)

Applicants respectfully disagreed in the Response filed August 5, 2008, and respectfully requested that the Office specifically identify the authority that is the source of the definition of the terms "packet" and "frame" used by the Examiner in the rejection of Applicants' claims. Applicants respectfully disagreed with the statement that the terms "packet" and "frame" have identical functionalities, as asserted by the Office, for at least the reasons set forth below.

Applicants respectfully submitted that the Office has misinterpreted the language of Applicants' claims, and the teachings of the Berken reference.

Applicants respectfully maintain that the term "packet" may reasonably be defined as "...n. 1. A unit of information <u>transmitted as a whole from one device to another</u> on a network." (underline added) *See* Microsoft Computer Dictionary - Third Edition, Microsoft Corporation, 1997. Therefore, Applicants respectfully maintain that a packet is sent from one device to another as a unit, that all parts of a packet are transmitted by one device to another, and that one of ordinary skill in the relevant art

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would immediately recognize that information of a "packet" may be correctly be described as being <u>part of</u>, <u>contained in</u>, <u>within</u>, or <u>inside</u> the "packet". If a "packet" comprises a particular piece of information, that piece of information is part of the unit of information transmitted as a whole <u>from one device or another</u> for it to be "part of" the "packet". If it is not part of the <u>unit</u> of information labeled as a "packet", then it is not part of that "packet". Applicants respectfully requested that the Office clearly and specifically identify the error in this interpretation, with citation to authority if the Office believed this to be in error.

In the Response filed August 5, 2008, Applicants respectfully submitted that the term "frame" as it is used by Berken, and the term "packet" as defined above and used in Applicants' claims <u>do not have identical functionalities</u>, and are not "...<u>both the same</u>...", as asserted by the Office. The "frame" of Berken and the "packet" recited in Applicants' claims <u>are not equivalent or interchangeable</u>. A "packet", as illustrated by the definition cited above, is "...<u>[a] unit of information transmitted as a whole from one device to another</u>...." A "frame", as used by Berken, <u>is a period of time</u>, which Berken <u>clearly</u> explains is broken into a number of <u>time slots</u> which are allocated for use by <u>different</u> devices in the system of Berken until they are no longer needed, and are then de-allocated. *See* Berken at page 9, lines 10-27. The "control time slot" of Berken is used by "user modules" and "interface units" of Berken to request, among other things, the allocation and de-allocation of bandwidth on the shared communication path in terms of receive <u>time slots</u> and transmit <u>time slots</u>. *See* Berken at page 10, line 13 to page 11, line 6. Berken clearly teaches that the various "time slots" of a "frame", which the Office mistakenly identified as being equivalent to the "packet" of Applicants' claims, may be used by <u>different</u> entities of Berken, and that the various time slots of Berken <u>are not</u> part of "...[a] unit of information <u>transmitted as a whole from one device to another</u> on a network", in accordance with an the definition of "packet" of an industry authority. Applicants respectfully maintain that the assertion by the Office that the "frame" of Berken teaches Applicants' "voice packet" is clearly erroneous.

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In response to Applicants' arguments regarding Berken's "frame" and the "packet" of Applicants' claims, the Office action of October 14, 2008 states, in part, at page 7:

> First**, in response to applicant's argument** that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a *unit of information transmitted as whole from one device to another on a network)* are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns,* 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). In fact, neither applicant specification nor the broadly recites any specific definition of a packet. Thus, the argument based on unclaimed and undisclosed limitation is irrelevant.

(emphasis and italics in original)

Applicants respectfully disagree. The Office continues to assert that the term "frame" as taught by Berken is interchangeable with and equivalent to the "packet" element of Applicants' claims. The Office does so without support of any authority for the meaning of the term "packet". Applicants cited the definition "...n. 1. A unit of information transmitted as a whole from one device to another on a network..." from the Microsoft Computer Dictionary - Third Edition, Microsoft Corporation, 1997, as evidence of the general knowledge and the meaning understood by a recognized authority in the relevant art at the time of the invention. *See* Response filed August 5, 2008 at pages 21-22 and Response filed January 9, 2008 at page 22. The same definition also appears in an earlier version of the same reference. *See* Microsoft Press Computer Dictionary, ©1991, Microsoft Press, page 253. Applicants respectfully submit that it is not necessary that Applicants define all terms used in the claims, if they are used consistent with their ordinary usage in the relevant art. Therefore, it is not necessary that the Applicants' disclosure explicitly define the term "packet". Thus, the use of the term "packet" and its definition is not an "undisclosed limitation", as asserted by the Office. Further, Applicants respectfully submit that the term "packet" is claimed, and

that one of ordinary skill in the art at the time of the invention would have immediately and unquestionably recognized the term as defined by Applicants' cited authority. For at least these reasons, <u>Applicants' argument in this regard **is** relevant</u>, contrary to the assertion by the Office.

The Office continues by asserting at pages 7-8 of the Office action of October 14, 2008, the following:

> **Second**, <u>even if the definition of the claimed in recited in the claim</u>, the combined system of Berken and Richter still disclosed it. In particular, examiner [is] asserting <u>a frame</u> that contains a control time slot and voice packet time slot (see Berken FIG. 2-3) to applicant's voice packet that comprises control information for routing. Berken FIG. 2, clearly shows that multiple time slots 1-M within a frame, which also confirms examiner' assertion stated above. Thus, it is also clear that Berken **voice packet unit is transmitted as a whole from user device to base device** (see Berken FIG. 1-3). Also, Richter also discloses the digital voice packet comprising destination information as set forth below.

(emphasis in original)

Applicants have shown above, and in prior responses, that the "control time slot" of Berken is not part of a "packet." Applicants have shown that the "frame" of Berken is a unit of time, with "time slots". *See* Response filed <u>The Office has not shown this to be in error</u>. Applicants have shown that the "frame" of Berken does not fit within the definition of the term "packet" from a recognized authority at the time of the invention. <u>The Office has not shown the cited definition to be in error</u>. **Applicants respectfully request, if the Office believes that Applicants' statements about the nature of the "frame" of Berken are in error, that the Office identify the errors by citing the specific drawing <u>elements</u> and/or <u>lines of text</u> from Berken that are not consistent with Applicants interpretation of Berken, along with an <u>explanation</u> of how and why Berken teaches what the Office asserts**.

Further in response to Applicants' arguments of August 5, 2008, the Office asserts, at page 8 of the Office action of October 14, 2008:

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Applicant broadly claimed invention of "digital voice packets ... **comprise** destination information used for routing" is disclosed Berken in two alternate scenarios:

In first scenario, a digital voice frame that comprises a digital voice time slot and a control time slot (see FIG. 2), and the control time slot comprise routing/transmitting/sending information such as address, control information and signaling information of the digital voice data so that the digital voice packet is distinguished and recover at the receiving side, which is the fundamental concept of the wireless communication. Otherwise, it is impossible to recover the wireless" digital voice data, <u>or</u>

In second scenario, a voice time slot/packet that comprises a digital voice packet data/information and packet preamble/packet header (FIG. 4), and the packet header/preamble comprise routing/transmitting/sending information such as address, control information and signaling information of the digital voice packet data/information so that the digital voice packet is distinguished and recover at the receiving side.

The above is simply a repeat of an assertion set forth by the Office on February 6, 2008, to which Applicants filed a Response on August 5, 2008, at pages 23-24, which is repeated here:

Applicants maintain that the "first scenario" is not supported by the teachings of Berken, because the "digital voice time slot" and "control time slot" are not part of "[a] unit of information <u>transmitted as a whole from one device to another</u>", in accordance with a reasonable definition of the term "packet". Applicants respectfully submit that Applicants' claims recite a "digital voice <u>packet</u>" or "digital voice data <u>packet</u>", not a "frame", and that Applicants have shown that a "packet", as recited by Applicants' claims, and a "frame" as taught by Berken, <u>are not interchangeable or equivalent</u>. While the control channel of Berken may be used to request allocation and de-allocation of bandwidth (in units of <u>time slots</u> on the shared communication path), it is not part of a "voice packet". Berken clearly states that "...[a]ll time slots are available for use by any node or module requesting bandwidth." *See* Berken at page 10, lines 20-21. Therefore,

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all information in the "frame" of Berken is not part of "[a] unit of information <u>transmitted</u> <u>as a whole from one device to another...</u>", in accordance with the term "packet".

Applicants also maintain that the "second scenario" proposed by the Office suggests that "a voice time slot/packet" of Berken has a "packet header/preamble" that comprises "routing/transmitting/sending information <u>such as address, control</u> <u>information and signaling information.</u>" Applicants respectfully disagree, and maintain that the Office has failed to show where cited FIG. 4 of Berken teaches that the "packet preamble" or "packet header" portions of a "time slot" comprise information used for routing the "voice time slot". In fact, neither FIG. 4 of Berken, nor any other drawing or portion of text of Berken teaches anything about the contents of the "packet preamble" or "packet header" portions of a "voice time slot", <u>let alone that information in the</u> <u>"packet header" or "packet preamble" of a "time slot" is used to route the "time slot" of</u> <u>Berken</u>. **Applicants <u>again</u> respectfully request that the Office specifically identify where, how, and why Berken teaches "routing/transmitting/sending information such as address, control information and signaling information" in the "packet preamble" or "packet header" portions of a "time slot".**

Berken clearly states, repeatedly, that the "packet switch", "user module", and various "line" or "phone" interfaces of Berken send or receive information on the shared communication path "<u>at the appropriate time.</u>" *See* Berken at pages 5-8. Applicants have shown that the system of Berken uses the allocated "time slots" to communicate packets "at the appropriate time." <u>The Office has not shown this interpretation of</u> <u>Berken to be in error.</u> Applicants respectfully submit that Berken is silent with regard to routing of a packet using information in a "packet header" or "packet preamble". **If the Office disagrees, Applicants respectfully request that the Office specifically identify the purported teachings of Berken by citing specific drawing element(s), or feature(s) of the text by column/paragraph and line, explaining how and why the cited portions of Berken teach Applicants' claimed feature.** For at least these reasons, Applicants respectfully submit that the Office has failed to show where Berken supports the "second scenario" set forth by the Office.

The Office action of October 14, 2008 rejects Applicants' claims 22, 28, 29, 36, and 47 over the combination of Berken and Richter, and acknowledges that '...Berken does not explicitly disclose "destination".' *See* Office action of October 14, 2008 at least at pages 13, 16, 18, and 25. The Office action of October 14, 2008 then relies only on Richter, stating at pages 13-14:

> Richter teaches wherein the digital voice data packets comprise destination information used for routing (see FIG. 6, destination address 76, max destination count 74, active destination count 72, and destination count that used for routing; see col. 6, line 60 to col. 7, line 20) the digital voice packets through the communication network (see FIG. 5, for routing voice packets over the network between two callers; see col. 5, line 36-66; col. 6, line 44-56).

Applicants respectfully disagree.

To the extent that the Office is suggesting that the alleged teachings of Richter be used to modify the "packet header" or "preamble" of a "voice packet" in a "time slot" of Berken to route the "voice packets" through the system of Berken, Applicants respectfully submit, as shown above and in prior responses, that Berken teaches allocation of "time slots", and that packets are transmitted and received by elements in the system of Berken, "at the appropriate time" of such allocated "time slots". *Id.* at pages 5-8. Applicants respectfully submit that Berken specifically uses the phrase "at the appropriate time" no fewer than 16 times in describing the handling of voice packets and data packets. *Id.* The Office has not shown that this interpretation of the teachings of Berken is in error. Applicants respectfully submit, however, that the disclosure of Berken is silent with regard to the routing of packets using information in a "packet header" or "packet preamble", as suggested by the Office.

Applicants respectfully submit that in making such a combination, elements of Berken through and between which packets are exchanged must examine the "packet header" or "packet preamble" to determine the element to which the packets are to be routed/directed, in order to "...rout[e] the digital voice data packets..." using the "destination information", as claimed. Berken discloses no such inspection of a "packet

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header" or "packet preamble" for such routing. Indeed, Berken is silent with regard to routing using information in a "packet header" or "packet preamble", as discussed above. Therefore, Applicants respectfully submit that modifying Berken with Richter as suggested by the Office requires that the elements of Berken that are involved in the communication of such "packets" be modified to route based on information contained within the "packet header" or "preamble" of the packet. Applicants respectfully submit that such modification is <u>a substantial change in the operation of Berken</u>, and <u>changes a fundamental operating principle of Berken</u>. Applicants respectfully note that M.P.E.P. §2143.01(V) states:

> <u>If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious.</u> *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959) (Claims were directed to an oil seal comprising a bore engaging portion with outwardly biased resilient spring fingers inserted in a resilient sealing member. The primary reference relied upon in a rejection based on a combination of references disclosed an oil seal wherein the bore engaging portion was reinforced by a cylindrical sheet metal casing. Patentee taught the device required rigidity for operation, whereas the claimed invention required resiliency. <u>The court reversed the rejection holding the "suggested combination of references would require a substantial reconstruction and redesign of the elements shown in [the primary reference] as well as a change in the basic principle under which the [primary reference] construction was designed to operate.</u>" 270 F.2d at 813, 123 USPQ at 352.).

(emphasis added)

Applicants respectfully submit that the Office has not shown that Berken teaches that "voice packets" are routed based on information in either a "packet header" or "preamble". The Office has cited the entirety of FIG. 4 of Berken, has not identified any of the text from Berken that describes anything in this regard, and has not explained how and why the cited FIG. 4 teaches such routing. *See* Office action of October 14,

2008 at least at pages 6, 8, 9, 13, and 15. Applicants respectfully submit that the mere presence of a "packet header" or "preamble" in FIG. 4 is not sufficient to support the assertion that the "packet header" or "preamble" of FIG. 4 of Berken contains information used to route the packet, as claimed. To the extent that the Office is suggesting that it is inherent that a "packet header" or "packet preamble" teaches such information, Applicants respectfully submit that the Office has not met the requirements for an assertion of inherency. *See* M.P.E.P. §2112.

Therefore, Applicants respectfully submit that modifying Berken to route based on "destination information" in a "packet header" or "packet preamble", as proposed by the Office, would require "...a substantial reconstruction and redesign of the elements shown in [Berken] as well as a change in the basic principle under which the [Berken] construction was designed to operate...", which is not sufficient to render Applicants' claims 22, 28, 29, 36, and 47 *prima facie* obvious.

Applicants respectfully submit that the Office asserts only that Richter "...teaches wherein the digital voice data packets comprise destination information used for routing." Applicants have demonstrated a number of shortcomings of Berken. Applicants respectfully submit that the Office has not asserted that any teachings of Richter overcome the shortcomings of Berken described above. Further, Applicants have shown that modifying Berken with Richter makes substantial changes to the fundamental operation of Berken. Therefore, Applicants respectfully submit that the proposed combination of Berken and Richter does not support a *prima facie* case of obviousness, and fails to render Applicants' claims 22, 28, 29, 36, and 47, or any claims that depend therefrom unpatentable.

Applicants respectfully submit , for at least the reasons set forth above, that the proposed combination of Berken and Richter fails to teach or suggest, at least, Applicants' claimed feature "...wherein the digital voice data packets comprise destination information used for routing the digital voice data packets...", as recited by Applicants' claims 22, 28, and 29, "...wherein the digital voice data is packetized according to a packet protocol comprising destination information used for routing the

digital voice data packetized according to the packet protocol through the communication network;...", as recited by Applicants' claim 36, "...wherein the digital voice packets comprise destination information used for routing the digital voice packets...", as recited by Applicant' claim 47, and "...wherein the digital voice packets comprise destination information used for routing the digital voice packets through the network, the processing circuit packetizing the digital voice data according to a packet protocol...", as recited by Applicants' claim 51. Further, the Office fails to show where the Richter reference remedies any other above-identified shortcomings of Berken. Thus, the proposed combination of Berken and Richter fails to teach or suggest the shortcomings of Berken set forth above.

Therefore, Applicants respectfully submit that independent claims 22, 28, 29, 36, 47, and 51 are allowable over the proposed combination of Berken and Richter, for at least the reasons set forth above. Applicants respectfully submit that because claims 23-27, 30-35, 37-42, 44-46, 48-50 depend either directly or indirectly from allowable independent claims 22, 28, 29, 36, and 47, claims 23-27, 30-35, 37-42, 44-46, 48-50 are also allowable over Berken and Richter, as well, for at least the same reasons. Similarly, Applicants respectfully submit that claim 51, and it dependent claims, are not rendered unpatentable by the proposed combination of Berken, Richter, and Weaver, in that the Office has not shown how and why Weaver remedies the identified shortcomings of Berken and Richter. Accordingly, Applicants respectfully request that the rejection of claims 22, 25, 26, 27, 28, 29, 32-35, 36, 39-42, 47, 50, 51, 54, and 57-59 under 35 U.S.C. §103(a) be reconsidered and withdrawn.

II. The Proposed Combination Of Berken And Harrison Does Not Render Claims 43 And 46 Unpatentable

Claims 43 and 46 were rejected under 35 U.S.C. §103(a) as being unpatentable over Berken in view of Harrison. Applicants have previously addressed the teachings of the proposed combination of Berken and Harrison, and will not repeat those arguments again here.

Applicants respectfully maintain that the proposed combination of Berken and Harrison does not teach or suggest Applicants' independent claim 43, which recites, in part, "...wherein the digital voice data packets comprise destination information used for routing the digital voice data packets through the network...", for at least the reasons set forth above with respect to claims 22, 28, 29, 36, and 47. In addition, Applicants respectfully submit that the Office has not shown where Harrison remedies the shortcomings of Berken described above. Therefore, Applicants respectfully submit that a *prima facie* case of obviousness has not been established, and that proposed combination of Berken and Harrison does not render Applicants' claim 43 unpatentable. Because claims 44-46 depend from allowable claim 43, Applicants respectfully submit that the proposed combination of Berken and Harrison also fails to render claims 44-46 unpatentable. Accordingly, Applicants respectfully request that the rejection of claims 43 and 46 under 35 U.S.C. §103(a) be reconsidered and withdrawn.

III. The Proposed Combinations Of Berken And Richter With Any Of Weaver, Perkins, And Cripps Do Not Render Claims 23, 24, 27, 30, 31, 35, 37, 38, 42, 48, 49, and 51-56 Unpatentable

Claims 27, 35, 42, 51, and 54 were rejected under 35 U.S.C. §103(a) as being unpatentable over Berken in view of Richter and Weaver. Claims 23, 24, 30, 31, 37, 38, 48, and 49 were rejected under 35 U.S.C. §103(a) as being unpatentable over Berken in view of Richter and Perkins. Claims 55 and 56 were rejected under 35 U.S.C. §103(a) as being unpatentable over Berken in view of Richter and Cripps.

With regard to claim 51, Applicants respectfully submit that claim 51 recites, in part, "...wherein the digital voice packets comprise destination information used for routing the digital voice packets through the network, the processing circuit packetizing the digital voice data according to a packet protocol...." Applicants respectfully submit that the proposed combination of Berken, Richter, and Weaver fails to overcome the shortcomings of Berken and Richter, as set forth above. Further, Applicants respectfully submit that claims 23, 24, 27, 30, 31, 35, 37, 38, 42, 48, 49, and 51-56 are allowable over the proposed combinations of Berken and Richter with any of Weaver, Perkins,

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and Cripps, in that the Office has failed to show where any of Weaver, Perkins, and Cripps overcome the deficiencies of Berken and Richter. Accordingly, Applicants respectfully request that the rejection of claims 23, 24, 27, 30, 31, 35, 37, 38, 42, 48, 49, and 51-56 under 35 U.S.C. §103(a) be reconsidered and withdrawn.

IV. The Proposed Combinations Of Weaver And Any Of Richter, Harrison, Perkins, Cripps And Honig Do Not Render Claims 22-59 Unpatentable

The Office rejected claims 22, 27-29, 32, 35, 36, 39, 42, 47, 50, 51, and 54 under 35 U.S.C. §103(a) as being unpatentable over Weaver in view of Richter. Claims 23, 24, 30, 31, 37, 38, 48, 49, 52, and 53 were rejected under 35 U.S.C. §103(a) as being unpatentable over Weaver in view of Richter and Perkins. Claims 43 and 46 were rejected under 35 U.S.C. §103(a) as being unpatentable over Weaver in view of Harrison. Claims 44 and 45 were rejected under 35 U.S.C. §103(a) as being unpatentable over Weaver in view of Harrison and Perkins. Claims 25, 33, 40, and 55-59 were rejected under 35 U.S.C. §103(a) as being unpatentable over Weaver in view of Richter and Cripps. Claims 26, 34, and 41 were rejected under 35 U.S.C. §103(a) as being unpatentable over Weaver in view of Richter and Honig. Applicants respectfully traverse the rejections.

With regard to independent claims 22, 28, 29, 36, and 47, Applicants respectfully submit that the proposed combination of Weaver and Richter does not teach all of the limitations of claims 22, 28, 29, 36, and 47, as required by M.P.E.P. §2142.

The Office action of October 14, 2008 states, at pages 30-31, that "Weaver discloses a system ... comprising: ... a transceiver circuit (see FIG. 2, Transceiver in a remote unit 10) for wireless transmission and wireless reception according to a wireless communication protocol of the digital voice data packets (see col. 4, line 40-67; transmitting over wireless link according to wireless protocol), wherein the digital voice data packets comprises information used for routing the digital voice data packets (see FIG. 3,4,9; voice packets comprise control/signaling information for routing voice data pakets [sic]; see col. 3, line 20-40; see col. 5, line 34-46; see col. 6, line 52-65; FIG. 1,

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discloses the digital voice packets are being routed over the network. FIG. 3, PCM signaling/control information which is used for routing the digital voice packets. FIG. 4, PCM signaling/control information (PCM 290,292) used for routing the digital voice packets (Vocoded packets 294); see col. 3, line 20-40; see col. 5, line 34-46 ; see col. 6, line 52-65)." Applicants respectfully disagree.

The Office specifically identifies Weaver at FIGs. 3, 4, and 9, and col. 3, lines 20-40, col. 5, lines 34-46, and col. 6, lines 52-65, as teaching "…wherein the digital voice data packets comprises [sic] information used for routing the digital voice data packets." Applicants first address FIGs. 3, 4, and 9.

Upon reviewing Figs. 3, 4, and 9, Applicants are unable to find any mention of "routing" or any mention or identification of "information used for routing", as claimed. Further, the Office action of October 14, 2008 fails to explain how and why elements "290", "292", and "294" of FIG. 4 teach "information used for routing the digital voice data packets", as asserted by the Office. Further, the cited figures do not teach "…wherein the digital voice data packets comprises [sic] information used for routing the digital voice data packets…," as asserted by the Office. It is not clear how the three cited elements of "290", "292", and "294" of Fig. 4, or the elements of FIG. 3 or FIG. 9 of Weaver teach Applicants' claimed features. For at least these reasons, Applicants respectfully submit that FIGs. 3, 4, and 9 do not teach or suggest "…wherein the digital voice data packets comprises [sic] information used for routing the digital voice data packets…," as asserted by the Office. Applicants now look to the cited text portions of Weaver, beginning with col. 3, lines 20-40, which is shown below, in context:

> A simple method of reducing the degradation of signal to noise ratio due to adding the detection code is to use a detection code which only corrupts every nth LSB. However, a periodic code which corrupts each nth LSB may beat with inband PSTN signaling and therefore be undetectable at the receiving vocoder. A preferred method of implanting the detection code on the LSB uses a pseudorandom pattern detection code that corrupts, on average, each nth LSB. In the pseudorandom pattern, the pulse locations of the detection code are varied over time. The detection process for the pseudorandom code can allow for some errors thus

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interference by inband PSTN signaling would not prevent the detection of the code. In the pseudorandom pattern, the pulse locations of the detection code are varied over time. The detection process for the pseudorandom code can allow for some errors thus interference by inband PSTN signaling would not prevent the detection of the code.

Block 300 of FIG. 5 represents the initial state called packet inactive mode. Decoder 200 is producing the PCM and detection code. Encoder 110 is looking for an incoming detection code as indicated by block 302. If encoder 110 detects the detection code it signals to decoder 200 to substitute the packetized data for yet another one of the LSB's of the mantissa value of PCM 120. Decoder 200 continues to produce PCM 210 but the PCM data is truncated as shown in FIG. 4.

FIG. 4 shows the four mantissa value bits of the PCM output when packets are being passed in a first embodiment. The sign bit and the exponent digits (not shown in FIG. 4) continue to carry the PCM encoded information. Likewise MSB 290 and second most significant bit 292 of mantissa value continue to carry the PCM encoded information. Third most significant bit 294 is replaced with the vocoded packet data and some sort of redundancy check.

(emphasis added)

The cited portion of Weaver shown above offers no clarification of how elements "290", "292", and "294" teach "...wherein the digital voice data packets comprises [sic] information used for routing the digital voice data packets...," as asserted by the Office. (emphasis added) Weaver describes FIG. 4 as "... an exemplary PCM signaling format containing vocoded packets and the detection code." (emphasis added) The Office does not explain how and why the cited elements of FIG. 4 teaches the routing of digital voice data packets, as asserted. Therefore, Applicants respectfully submit that the Office has failed to make explicit how and why the cited portion of Weaver at col. 3, lines 20-40 teaches "...wherein the digital voice data packets comprises [sic] information used for routing the digital voice data packets...," as required by M.P.E.P. §2142. Applicants now turn to Weaver at cited col. 5, lines 34-46, which recites:

> FIG. 4 shows the four mantissa value bits of the PCM output when packets are being passed in a first embodiment. The sign bit and the exponent digits (not shown in FIG. 4) continue to carry the PCM encoded information. Likewise MSB 290 and second most significant bit 292 of mantissa value continue to carry the PCM encoded information. Third most significant bit 294 is replaced with the vocoded packet data and some sort of redundancy check. A wide variety of redundancy checks are well known in the art which can be used to provide the code check function. LSB 298 may continue to carry the detection code at all times. Alternatively LSB 298 may be used to carry a portion of the vocoder data or the redundancy check bits in addition to or instead of the detection code.

Applicants respectfully submit that although the portion of Weaver shown above teaches that while the encoding of the PCM encoded information may change, there is nothing that teaches "...wherein the digital voice data packets comprises information used for routing the digital voice data packets...", as asserted by the Office. Weaver states "...Third most significant bit 294 [of the PCM encoded data] is replaced with the vocoded packet data and some sort of redundancy check." Weaver does not teach or suggest, however, that the "packets" comprise "information used for routing the digital voice data packets...", as asserted by the Office. **Applicants respectfully request that the Office provide clarification on specifically what "information" of a "digital voice packet" of Weaver is being "used for routing the digital voice packet", and what "routing" of a "digital voice packet" is done using that "information", in accordance with Applicants' claimed features**. Accordingly, Applicants respectfully submit that this cited portion of Weaver also does not teach or suggest, at least, "...wherein the digital voice data packets comprises [sic] information used for routing the digital voice data packets...," as asserted by the Office. Finally, Applicants address the text from Weaver at col. 6, lines 52-65, which recites:

> FIG. 8 shows an alternative process carried out by local vocoder 35 or 55. When a call is initiated, vocoder 35 begins to receive PCM 120 and provide packets 100 and to receive packets 190 and provide PCM 210. In addition to the

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conversion of packets 190 to PCM 210, decoder 200 implants a pseudorandom detection code on the LSB of the mantissa value portion of the PCM data format which replaces one out of each n LSB's on average as shown in the packet inactive column of FIG. 9. In the preferred embodiment of FIGS. 8 and 9, n is large enough such that the degradation to the resulting voice is less than 1 dB typically resulting in n having a value of 8 or greater. The sign bit and the exponent digits (not shown in FIG. 9) continue to carry the PCM encoded information.

The portion of Weaver shown above simply teaches that a vocoder receives "PCM 120" and provides "packets 100" and receives "packets 190" and provides "PCM 210." In addition to the conversion of "packets 190" to "PCM 210", a "decoder 200" implants a pseudorandom detection code on a bit in a PCM stream. There is nothing, however, that teaches or suggests "…wherein the digital voice data packets comprises [sic] information used for routing the digital voice data packets…," as asserted by the Office. Further, the Office fails to explain how and why this portion of Weaver teaches what is asserted by the Office. Such analysis is required to be explicit. *See* M.P.E.P. §2142. Therefore, Applicants respectfully submit that this cited portion of Weaver also fails to teach or suggest at least this aspect of Applicants' claims.

Applicants have now addressed each of the figures and passages cited by the instant Office action, and respectfully submit that none of the cited portions of Weaver teaches or suggest "…wherein the digital voice data packets comprises [sic] information used for routing the digital voice data packets…," as asserted by the Office. Further, the Office does not assert that any portion of Richter remedies these identified shortcomings of Weaver. Therefore, Applicants respectfully submit that, because neither Weaver nor Richter teach or suggest Applicants claimed features, the proposed combination of Weaver and Richter cannot, by definition, teach or suggest "…wherein the digital voice data packets comprises [sic] information used for routing the digital voice data packets…," as asserted by the Office, and that claims 22, 28, 29, 36, and 47 are allowable over the proposed combination of Weaver and Richter.

Applicants respectfully submit that the Office asserts that "...one must use destination address/number/information to route." See Office action of October 14, 2008 at pages 31 and 33. Applicants respectfully disagree. While not explicitly asserting inherency, the use of the word "must" in this statement appears to be an assertion of inherency. To the extent that the Office is asserting inherency, Applicants respectfully submit that the Office has not met the requirements for such an assertion. See M.P.E.P. §2112.

Therefore, for at least the reasons set forth above, Applicants respectfully submit that the proposed combination of Weaver and Richter does not meet the requirements of M.P.E.P. §2142 to establish a *prima facie* case of obviousness, and that Weaver and Richter alone or in combination do not render Applicants' claims 22, 28, 29, 36, and 47 unpatentable. Accordingly, Applicants respectfully request that the rejection of claims 22, 27-29, 32, 35, 36, 39, 42, 47, and 50 under 35 U.S.C §103(a) be reconsidered and withdrawn.

With regard to independent claim 51, Applicants respectfully submit that claim 51 is allowable over the proposed combination of Weaver and Richter for at least some of the reasons set forth above with respect to claims 22, 28, 29, 36, and 47. Further, claim 51 is allowable for additional reasons.

The Office asserts that Weaver discloses as system ... comprising:... a processor (see FIG. 1, Encoder 180) for controlling the operation of the radio according to a communication protocol that accommodates a plurality of data rates (see col. 1, line 25-37; see col. 5, line 55-59; see col. 9, line 33-34; plurality of data rates)...." See Office action of October 14, 2008 at pages 32-33. Applicants respectfully disagree, in that a review of the cited portions of Weaver fails to show any support for the assertion that the "Encoder 180" of Weaver "...control[s] the operation of the radio...," as claimed. Instead, Weaver teaches that "...Encoder 180 receives analog voice 170, converts it to digital form, encodes the digitized voice, and packetizes it for transmission over wireless link 20 as packets 190." See Id. at col. 3, lines 31-34. Thus, the "Encoder 180" simply encodes data. Applicants respectfully submit that the Office fails to assert that the only

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other cited reference, Richter, remedies this shortcoming of Weaver. Thus, the Office has not demonstrated how either Weaver or Richter teach or suggest at least this aspect of Applicants' claim 51. Therefore, Applicants respectfully submit that the proposed combination of references fails to teach all of the features of Applicants' claim 51. Accordingly, Applicants respectfully request that the rejection of claims 51 and 54 under 35 U.S.C. §103(a) be reconsidered and withdrawn.

With respect to the rejections of claims 43 and 46 under 35 U.S.C. §103(a) over the proposed combination of Weaver and Harrison, and of claims 44 and 45 over Weaver, Harrison and Perkins, Applicants respectfully submit that claim 43 is allowable for at least some of the reasons set forth above with respect to claims 22, 28, 29, 36, and 47, in that the Office has not shown how and why either Harrison or Perkins remedy the shortcomings of Weaver. Therefore, Applicants respectfully request that the rejection of claims 43, 44, 45, and 46 under 35 U.S.C. §103(a) be reconsidered and withdrawn.

V. The Proposed Combinations Of Berken And Hutton Do Not Render Claims 60-73 Unpatentable

Claims 60, 61, 62, and 68-73 were rejected under 35 U.S.C. §103(a) as being unpatentable over Berken in view of Hutton and Reimer. Applicants respectfully submit that claim 60 and its dependent claims 61-73 are allowable over the proposed combination of Berken, Hutton, and Reimer, for least the reasons set forth above, in that the Office has failed to show where either Hutton or Reimer remedy the deficiencies of Berken, set forth above.

Because claims 61, 62, and 68-73 depend from claim 60, Applicants respectfully submit that claims 61, 62, and 68-73 are also allowable, for at least the same reasons. Applicants respectfully request, therefore, that the rejection of claims 60, 61, 62, and 68-73 under 35 U.S.C. §103(a), be reconsidered and withdrawn.

Claims 63-65 were rejected under 35 U.S.C. §103(a) as being unpatentable over Berken in view of Hutton, and further in view of Lewen. Claim 66 was rejected under 35 U.S.C. §103(a) as being unpatentable over Berken in view of Hutton and Lewen, and further in view of McKee. Claim 67 was rejected under 35 U.S.C. §103(a) as being unpatentable over Berken in view of Hutton, and further in view of Cripps. Applicants respectfully traverse the rejections. Applicants respectfully submit that claims 63-65, 66, and 67 depend either directly or indirectly from claim 60. Applicants believe that claim 60 is allowable over the proposed combinations of Berken, Hutton, Lewen, McKee, and Cripps, in that Lewen, McKee and Cripps fail to overcome the deficiencies of Berken and Hutton set forth above. Because claims 63-65, 66, and 67 depend from allowable claim 60, Applicants respectfully submit that claims 63-65, 66, and 67 are allowable as well, for at least the same reasons.

In addition, Applicants respectfully submit that the admitted deficiencies that caused the Office to rely upon Reimer in the rejection of claim 60 necessarily exist in Berken and Hutton in regard to all of dependent claims 61-73. The rejections of claims 63-65, 66, and 67, however, do not recite combinations including Reimer. Therefore claims 63-65, 66, and 67 are allowable over the proposed combinations which are necessarily deficient. Therefore, Applicants respectfully request that the rejections of claims 63-65, 66, and 67 under 35 U.S.C. §103(a), be reconsidered and withdrawn.

In addition, with respect to all of claims 60-73, Applicants respectfully note that the Office has failed to even respond, let alone successfully overcome Applicants' arguments set forth in the Response filed August 5, 2008 with respect to claims rejected under the proposed combination of Berken and Hutton. Therefore, Applicants respectfully submit that claims 60-73 are allowable for at least this additional reason.

VI. The Proposed Combination Of Berken And Shachar Does Not Render Claims 22, 28, 29, 36, and 47 Unpatentable

Claims 22, 28, 29, 36, and 47 were rejected under 35 U.S.C. §103(a) as being unpatentable over Berken in view of Shachar. Applicants respectfully submit that the

proposed combination of Berken and Shachar does not teach, suggest, or otherwise render obvious Applicants' claims 22, 28, 29, 36, and 47, in that the Office has failed to show where Shachar remedies the shortcoming of Berken, set forth above. Therefore, Applicants believe that claims 22, 28, 29, 36, and 47 are allowable over Berken and Shachar. Because claims 23-27, 30-35, 37-46, and 48-50 depend from allowable claims 22, 28, 29, 36, and 47, Applicants respectfully submit that those claims are allowable as well, for at least the same reasons.

In addition, with respect to all of claims 22, 28, 29, 36, and 47, Applicants respectfully note that the Office has failed to even respond, let alone successfully overcome Applicants' arguments set forth in the Response filed August 5, 2008 with respect to claims rejected under the proposed combination of Berken and Shachar. Therefore, Applicants respectfully submit that claims 22, 28, 29, 36, and 47 are allowable for at least this additional reason.

Accordingly, Applicants respectfully request that the rejection of claims 22, 28, 29, 36, and 47 under 35 U.S.C. §103(a) be reconsidered and withdrawn.

VII. The Proposed Combinations Of Berken With Any Of Richter '979, Weaver, Perkins, And Cripps Do Not Render Claims 22-42, 47-54, And 57-59 Unpatentable

The Office rejected claims 22, 25, 26, 28, 29, 32-34, 36, 39, 40, 41, 47, 50, and 57-59 as being unpatentable over Berken in view of Richter '979. Claims 27, 35, 42, 51 and 54 were rejected as being unpatentable under 35 U.S.C. §103(a) over Berken, Richter '979, and Weaver. Claims 23, 24, 30, 31, 37, 38, 48, and 49 were rejected as being unpatentable under 35 U.S.C. §103(a) over Berken, Richter '979, and Perkins. Claims 52 and 53 were rejected as being unpatentable under 35 U.S.C. §103(a) over Berken, Richter '979, Weaver and Perkins. Claims 55 and 56 were rejected as being unpatentable under 35 U.S.C. §103(a) over Berken, Richter '979, and Cripps. Applicants respectfully traverse the rejections.

Applicants respectfully submit that all of the rejections are based upon Berken and Richter '979. Applicants respectfully submit that independent claims 22, 28, 29, 36, 47, and 51 are allowable over the proposed combination of Berken and Richter '979 for

at least some of the reasons set forth above. Further, Applicants respectfully submit that independent claims 22, 28, 29, 36, 47, and 51 are also allowable over Berken, Richter '979, and any combination of Weaver, Perkins, and Cripps, in that the Office has not shown where Weaver, Perkins and Cripps overcome the deficiencies of Berken and Richter '979. Further, Applicants respectfully submit that any claims that depend from allowable claims 22, 28, 29, 36, 47, and 51 are also allowable over the proposed combinations of Berken, Richter '979, Weaver, Perkins, and Cripps, for at least the same reasons. Accordingly, Applicants respectfully request that the rejections of claims 22-42, 47-54, and 57-59 under 35 U.S.C. §103(a) be reconsidered and withdrawn.

VIII. The Proposed Combinations Of Weaver With Any Of Richter '979, Perkins, Cripps, And Honig Do Not Render Claims 22-42 And 47-54 Unpatentable

The Office also rejections claims 22, 27-29, 32, 35, 36, 39, 42, 47, 50, 51, and 54 were rejected as being unpatentable under 35 U.S.C. §103(a) over Weaver and Richter '979. Claims 23, 24, 30, 31, 37, 38, 48, 59, 52, and 53 were rejected as being unpatentable under 35 U.S.C. §103(a) over Weaver, Richter '979, and Perkins. Claims 25, 33, 40, and 55-59 were rejected as being unpatentable under 35 U.S.C. §103(a) over Weaver, Richter '979, and Cripps. Claims 26, 34, and 41 were rejected as being unpatentable under 35 U.S.C. §103(a) over Weaver, Richter '979, and Honig. Applicants respectfully traverse the rejections.

Applicants respectfully submit that all of the rejections are based upon Weaver and Richter '979. Applicants respectfully submit that independent claims 22, 28, 29, 36, 47, and 51 are allowable over the proposed combination of Weaver and Richter '979 for at least some of the reasons set forth above. Further, Applicants respectfully submit that independent claims 22, 28, 29, 36, 47, and 51 are also allowable over Weaver, Richter '979, and any combination of Perkins, Cripps, and Honig, in that the Office has not shown where any of Perkins, Cripps, and Honig overcome the deficiencies of Weaver and Richter '979, set forth above. Further, Applicants respectfully submit that any claims that depend from allowable claims 22, 28, 29, 36, 47, and 51 are also allowable over the proposed combinations of Weaver, Richter '979, Perkins, Cripps, and

Honig for at least the same reasons. Accordingly, Applicants respectfully request that the rejections of claims 22-42 and 47-54 under 35 U.S.C. §103(a) be reconsidered and withdrawn.

Conclusion

In general, the Office Action makes various statements regarding the claims and the cited references that are now moot in light of the above. Thus, Applicants will not address such statements at the present time. However, Applicants expressly reserve the right to challenge such statements in the future should the need arise (e.g., if such statements should become relevant by appearing in a rejection of any current or future claim).

The Applicants believe that all of pending claims 22-73 define patentable subject matter and are in condition for allowance.

Should the Examiner disagree or have any questions regarding this submission, the Applicants invite the Examiner to telephone the undersigned at (312) 775-8000.

A Notice of Allowability is courteously solicited.

The Commissioner is hereby authorized to charge any additional fees required by this communication, or credit any overpayment, to Deposit Account No. 13-0017.

Respectfully submitted,

Dated: _____ April 14, 2008 _____   _____ /Kevin E. Borg/ _____
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